



JC19 REC'D PCT/PTO 23 MAY 2001
09/807617

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of

WALTER

Atty. Ref.: 265-97

Serial No. 09/807,617

Group:

Filed: April 16, 2001

Examiner:

For: REHABILITATION DEVICE

* * * * *

May 23, 2001

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

**RESPONSE TO NOTIFICATION OF MISSING
REQUIREMENTS UNDER 35 U.S.C. § 371**

Responsive to the Notification of Missing Requirements mailed May 15, 2001 (a copy of which is attached), it is respectfully submitted that the verified translation was filed on May 14, 2001. A copy of the PTO mail room date-stamped postcard indicating receipt of the translation is attached hereto. A further copy of the verified translation is attached for your convenience.

The processing fee was paid with the original filing on April 16, 2001 (copy of application filing coversheet attached).

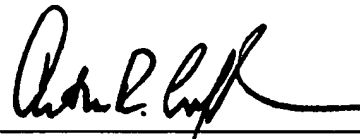
Confirmation of receipt of the verified translation (copy attached) is respectfully requested.

WALTER
Serial No. 09/807,617

Respectfully submitted,

NIXON & VANDERHYE P.C.

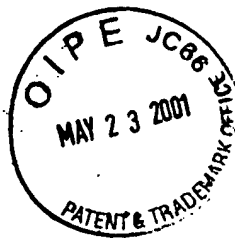
By: _____



Arthur R. Crawford

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Serial No.: 09/807,617
Inventor/s: WALTER

Atty: Arthur R. Crawford
Date: May 14, 2001
C#/M#: 265-97

Title: REHABILITATION DEVICE

Amendment

Pages Specification, Claims & Abstract

Declaration (Pages)

Assignment (Pages) Including Cover

Priority Document(s)

Base Issue Fee Transmittal

\$ Fee (Check) - Pre-Bill

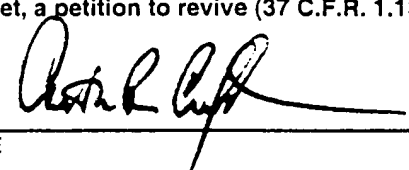
\$ Fee (Check) - Non Pre-Bill



\$0.00 = Total Fee Enclosed

**Other: English Translation of Application as filed
on 4/16/2001**

FORM PTO-1390 (REV 11-2000)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 265-97
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 0 97807617
INTERNATIONAL APPLICATION NO. PCT/EP99/08073	INTERNATIONAL FILING DATE 26 October 1999	PRIORITY DATE CLAIMED 26 October 1998
TITLE OF INVENTION REHABILITATION DEVICE		
APPLICANT(S) FOR DO/EO/US WALTER		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The U.S. has been elected by the expiration of 19 months from the priority date (Article 31). 5. A copy of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input checked="" type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)). a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> A English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). Items 11 To 20 below concern document(s) or information included: 11. <input type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included. 13. <input type="checkbox"/> A FIRST preliminary amendment. 14. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A change of power of attorney and/or address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825. 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input type="checkbox"/> Other items or information.		

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 09/807,617	INTERNATIONAL APPLICATION NO. PCT/EP99/08073	ATTORNEY'S DOCKET NUMBER 265-97
<input checked="" type="checkbox"/> The following fees are submitted:		CALCULATIONS PTO USE ONLY
BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5)): -- Neither international preliminary examination fee (37 C.F.R. 1.482) nor international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO\$1000.00 -- International preliminary examination fee (37 C.F.R. 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO\$860.00 -- International preliminary examination fee (37 C.F.R. 1.482) not paid to USPTO but international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO\$710.00 -- International preliminary examination fee (37 C.F.R. 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4)\$690.00 -- International preliminary examination fee (37 C.F.R. 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4)\$100.00		
ENTER APPROPRIATE BASIC FEE AMOUNT =		\$ 0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)).		\$ 0.00
CLAIMS	NUMBER FILED	NUMBER EXTRA
Total Claims	20	-20 =
Independent Claims	3	-3 =
MULTIPLE DEPENDENT CLAIMS(S) (if applicable)		\$270.00
TOTAL OF ABOVE CALCULATIONS =		\$ 0.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.		0.00
SUBTOTAL =		\$ 0.00
Processing fee of \$130.00, for furnishing the English Translation later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(f)).		+ 130.00
TOTAL NATIONAL FEE =		\$ 130.00
for recording the enclosed assignment (37 C.F.R. 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property		+ 0.00
Fee for Petition to Revive Unintentionally Abandoned Application (\$1240.00 - Small Entity = \$620.00)		\$ 0.00
TOTAL FEES DUE=		\$ 130.00
		Amount to be: refunded \$
		Charged \$
(\$130.00 translation fee was paid on 4/16/2001) Total Fee Enclosed \$ 0.00		
a. <input type="checkbox"/> A check in the amount of \$0.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. 14-1140 in the amount of \$_____ to cover the above fees. A duplicate copy of this form is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>14-1140</u> . A duplicate copy of this form is enclosed. d. <input checked="" type="checkbox"/> The entire content of the foreign application(s), referred to in this application is/are hereby incorporated by reference in this application.		
NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b)) must be filed and granted to restore the application to pending status.		
SEND ALL CORRESPONDENCE TO: NIXON & VANDERHYE P.C. 1100 North Glebe Road, 8 th Floor Arlington, Virginia 22201-4714 Telephone: (703) 816-4000		
		 SIGNATURE
		Arthur R. Crawford NAME
25,327		May 14, 2001
REGISTRATION NUMBER		Date

09/807617

VERIFICATION OF TRANSLATION

I, Eva Lanyi, a translator with Chillson Translating Service, 3530 Chas Drive, Hampstead, Maryland, 21074, hereby declare as follows:

That I am familiar with the German and English languages;

That I am capable of translating from German to English;

That the translation attached hereto is a true and accurate translation of the German patent WO 00/24345 titled, "REHABILITATION DEVICE;"

That all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true;

And further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any registration resulting therefrom.

By Eva L. Lanyi

Executed this 7 day of May 2001.

Witness Steve Chiller

International Application Published In Accordance with the Patent
Cooperation Treaty

(51) International patent classification⁷: A61F 5/02 A1
(11) International Publication Number: WO 00/24345
(43) International publication date: May 4, 2000 (5/4/2000)
(21) International file number: PCT/EP99/08073
(22) International application date: October 26, 1999 (10.26.99)
(30) Priority data: 298 19 060.5 October 26, 1998 (10.26/98) DE
(71) (72) Applicant and inventor: WALTER, Klaus [DE/DE];
Bippenwaldstraße 5, D-83088, Kiefersfelden (DE)
(74) Attorneys: FLACH, Dieter, Prinzregentenstraße 24, D-83022,
Rosenheim (DE) etc.
Countries of destination: DE, US European patent (AT, BE, CH, CY,
DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE).

Published: With international search report. Before expiration
of the period allowed for changing the claims: will be
republished if changes are made.

(54) Title: REHABILITATION DEVICE

(57) Abstract

The invention relates to an improved rehabilitation device
for treating a hump back and forward drooping shoulders. Said

device has the following characteristics: it comprises a base section (1) which can be put on the back of a patient, said base section (1) comprises a support (3), said support (3) is arranged or configured in a transverse direction to the longitudinal axis (5) of the rehabilitation device; a function unit (31) is provided above the support (3), comprising two counter-supports (13) that face the support (3) and are off-set in relation to one another, and the rehabilitation device is provided with a release section (27) by which the two counter-supports (13) can be swiveled around the swivel axis (29) formed by the support (3).



DOCKETED

UNITED STATES PATENT AND TRADEMARK OFFICE

CASE/MATTER # 265-97

09/807617

MAIL DATE 5/15/01
DUE DATE JULY 15, 2001Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

09/807,617

HUTCHINS

INTERNATIONAL APPLICATION NO.

NIXON & VANDERHIVE
1100 NORTH GLENE ROAD 8TH FLOOR
ARLINGTON VA 22201-4714

5071

PCT/EP99/08073

I.A. FILING DATE

PRIORITY DATE

10/26/99

10/26/99

DATE MAILED:

05/15/01

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant on the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):
- ☒ U.S. Basic National Fee.
 - ☒ Copy of the International application.
 - ☒ Oath or Declaration of inventors(s).
 - ☐ Copy of Article 19 amendments.
 - ☒ Priority Document.
 - ☒ The International Preliminary Examination Report in English and its Annexes, if any.
 - ☐ Translation of Annexes to the International Preliminary Examination Report into English.
 - ☒ Indication of Small Entity Status.
 - ☐ Translation of the international application into English.
 - ☐ Translation of Article 19 amendments into English.
 - ☐ Other:
2. ☒ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
- ☐ U.S. Basic National Fee.
 - ☐ Copy of the international application.
3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- ☒ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
 - ☒ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
 - ☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
 - ☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
4. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917
☐ PTO-875

☐ Notice of Defective Translation
☐ PCT/DO/EO/920

Kaye Baltimore

National Stage Processing

Telephone:

(731) 305-3895

FORM PCT/DO/EO/905 (March 2001)